

Congressional Record

PROCEEDINGS AND DEBATES OF THE SEVENTIETH CONGRESS FIRST SESSION

SENATE

MONDAY, December 5, 1927

The first Monday of December being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the first session of the Seventieth Congress commenced this day.

The Senate assembled in its Chamber at the Capitol.

CHARLES G. DAWES, of Illinois, Vice President of the United States, called the Senate to order at 12 o'clock meridian.

Rev. Dr. Z. Barney Thorne Phillips, of the city of Washington, offered the following prayer:

Almighty and everlasting God, our Heavenly Father, the Maker and Ruler of all men, who hast made all things for man and man for Thy glory, we commend to Thy gracious keeping the people of these United States. Especially we pray Thy blessing upon the President of these United States, that in his life, his ideals, his wisdom, and discretion he may do only that which is well pleasing unto Thee.

Upon the Vice President, the Presiding Officer of this House, may the especial benediction of Thy grace and guidance of Thy spirit descend. Upon all in authority we invoke Thine especial blessing, especially upon this House, met in solemn assembly at this hour to rededicate anew unto Thee on the altar of their country all that they are and all that they have and all that they hope to be. Enlarge their vision, deepen their sense of righteousness, and may they see that in all they do they are acting in Thy stead and for the safety, honor, and welfare of this Thy people.

May the benediction of the spirit of him who has offered unto Thee the sacrifice of prayer and thanksgiving for this House descend upon us. Guide us, guard us, make us more meet and fit for service not only to our country but in the kingdom of God.

We ask it in the name and for the sake of Him who went about doing good and who taught us when we pray to say:

Our Father who art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done on earth as it is in heaven. Give us this day our daily bread. And forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil. For thine is the kingdom and the power and the glory for ever and ever. Amen.

CALL OF THE ROLL

The VICE PRESIDENT. This being the day designated by the Constitution of the United States for the assembling of Congress, the Senate, pursuant thereto, is now in session. The Chief Clerk will call the roll.

The Chief Clerk (John C. Crockett) called the roll, and the following Senators answered to their names:

| | | | |
|----------|-------------|----------------|--------------|
| Ashurst | Gerry | McKellar | Sackett |
| Bayard | Gillett | McLean | Schall |
| Bleas | Glass | McMaster | Sheppard |
| Borah | Goff | McNary | Shipstead |
| Bratton | Gould | Mayfield | Simmons |
| Bruce | Greene | Metcalf | Steck |
| Capper | Hale | Neely | Stephens |
| Copeland | Harris | Norris | Swanson |
| Couzens | Harrison | Phillips | Trammell |
| Deneen | Heflin | Pine | Tyson |
| Dill | Howell | Pittman | Walsh, Mass. |
| Edge | Johnson | Ransdell | Warren |
| Edwards | Kendrick | Reed, Mo. | Wheeler |
| Ferris | Keyes | Reed, Pa. | |
| Fess | Kling | Robinson, Ark. | |
| Frazier | La Follette | Robinson, Ind. | |

Mr. WHEELER. My colleague the Senator from Montana [Mr. WALSH] is confined to his home by serious illness.

Mr. GERRY. I desire to announce that the Senator from New Mexico [Mr. JONES] is detained at his home on account of illness.

The VICE PRESIDENT. Sixty-one Senators having answered to their names, a quorum is present.

ADMINISTRATION OF OATH TO NEW SENATORS

The VICE PRESIDENT. Next in order is the administering of the oath to Senators elect whose credentials have been previously received and filed. The clerk will call the roll in blocks of four, and as their names are called the Senators elect will present themselves at the Vice President's desk to take the oath of office.

The Chief Clerk called the names of Mr. BARKLEY, Mr. BINGHAM, Mr. BLACK, and Mr. BLAINE.

These Senators, escorted by Mr. SACKETT, Mr. McLEAN, Mr. HEFLIN, and Mr. LA FOLLETTE, respectively, advanced to the Vice President's desk, and the oath of office prescribed by law was administered to them by the Vice President.

The Chief Clerk called the names of Mr. BROOKHART, Mr. BROUSSARD, Mr. CARAWAY, and Mr. CURTIS.

These Senators, escorted by Mr. STEPHENS, Mr. RANSDELL, Mr. ROBINSON of Arkansas, and Mr. CAPPER, respectively, advanced to the Vice President's desk, and the oath of office was administered to them.

The Chief Clerk called the names of Mr. DALE, Mr. FLETCHER, Mr. GEORGE, and Mr. GOODING.

These Senators, escorted by Mr. GREENE, Mr. TRAMMELL, Mr. HARRIS, and Mr. BORAH, respectively, advanced to the Vice President's desk, and the oath of office was administered to them.

The Chief Clerk called the names of Mr. HAWES, Mr. HAYDEN, Mr. JONES of Washington, and Mr. MOSES.

These Senators, escorted by Mr. REED of Missouri, Mr. ASHURST, Mr. DILL, and Mr. KEYES, respectively, advanced to the Vice President's desk, and the oath of office was administered to them.

The Chief Clerk called the names of Mr. NORBECK, Mr. NYE, Mr. ODDIE, and Mr. OVERMAN.

These Senators, escorted by Mr. McMASTER, Mr. FRAZIER, Mr. PITTMAN, and Mr. SIMMONS, respectively, advanced to the Vice President's desk, and the oath of office was administered to them.

The Chief Clerk called the names of Mr. SHORTRIDGE and Mr. SMITH of Illinois.

Mr. NORRIS. Mr. President, I rise to a question of the highest senatorial privilege in regard to the taking of the oath of office by Mr. SMITH of Illinois, and I send to the Vice President's desk a privileged resolution.

The VICE PRESIDENT. The clerk will read the resolution. The Chief Clerk read the resolution (S. Res. 1), as follows:

Whereas, on the 17th day of May, 1926, the Senate passed a resolution creating a special committee to investigate and determine the improper use of money to promote the nomination or election of persons to the United States Senate and the employment of certain other corrupt and unlawful means to secure such nomination or election;

Whereas said committee in the discharge of its duties notified FRANK L. SMITH of Illinois, then a candidate for the United States Senate from that State, of its proceeding, and the said FRANK L. SMITH appeared in person and was permitted to counsel with and be represented by his attorneys and agents;

Whereas the said committee has reported—

That the evidence without substantial dispute shows that there was expended directly or indirectly for and on behalf of the candidacy of the said FRANK L. SMITH for the United States Senate the sum of \$458,782; that all of the above sums except \$171,500 was contributed directly to and received by the personal agent and representative of the said FRANK L. SMITH with his full knowledge and consent, and that of the total sum aforesaid there was contributed by officers of large public-service institutions doing business in the State of Illinois or by said institutions the sum of \$203,000, a substantial part of which sum was contributed by men who were nonresidents of Illinois but who were officers of Illinois public-service corporations;

That at all of the times aforesaid the said FRANK L. SMITH was chairman of the Illinois Commerce Commission, and that said public-service corporations commonly and generally had business before said commission, and said commission was, among other things, empowered to regulate the rates, charges, and business of said corporations;

That by the statutes of Illinois it is made a misdemeanor for any officer or agent of such public-service corporations to contribute any money to any member of said commission or for any member of said commission to accept such moneys upon penalty of removal from office;

That said SMITH has in no manner controverted the truth of the foregoing facts, although full and complete opportunity was given to him not only to present evidence but arguments in his behalf; and

Whereas the said official report of said committee and the sworn evidence is now and for many months has been on file with the Senate, and all of the said facts appears without substantial dispute: Now, therefore, be it

Resolved, That the acceptance and expenditure of the various sums of money aforesaid in behalf of the candidacy of the said FRANK L. SMITH is contrary to sound public policy, harmful to the dignity and honor of the Senate, dangerous to the perpetuity of free government, and tainted with fraud and corruption the credentials for a seat in the Senate presented by the said FRANK L. SMITH; and be it further

Resolved, That the said FRANK L. SMITH is not entitled to take the oath of office and is not entitled to membership in the Senate of the United States.

Mr. CURTIS. Mr. President, I ask that the Senator elect from Illinois may stand aside until the oath shall have been administered to those against whom there are no objections.

The VICE PRESIDENT. Without objection, the resolution will lie over and the Senator elect from Illinois will stand aside.

The Chief Clerk called the names of Mr. SHORTRIDGE, Mr. SMITH of South Carolina, Mr. SMOOT, and Mr. STEIWER.

These Senators escorted, respectively, by Mr. JOHNSON, Mr. BLEASE, Mr. KING, and Mr. McNARY, advanced to the Vice President's desk, and the oath of office was administered to them.

The Chief Clerk called the names of Mr. THOMAS, Mr. TYDINGS, and Mr. VARE.

Mr. NORRIS. Mr. President, again I rise to a question of senatorial privilege in regard to the swearing in of Mr. VARE, and send to the clerk's desk a privileged resolution.

The VICE PRESIDENT. The clerk will read the resolution. The Chief Clerk read the resolution (S. Res. 2), as follows:

Whereas on the 17th day of May, 1926, the Senate passed a resolution creating a special committee to investigate and determine the improper use of money to promote the nomination or election of persons to the United States Senate, and the employment of certain other corrupt and unlawful means to secure such nomination or election; and

Whereas said committee, in the discharge of its duties, notified WILLIAM S. VARE, of Pennsylvania, then a candidate for the United States Senate from that State, of its proceedings, and the said WILLIAM S. VARE appeared in person and by attorney before said committee while it was engaged in making such investigation; and

Whereas the said committee has reported that the evidence without substantial dispute shows that at the primary election at which the said WILLIAM S. VARE is alleged to have been nominated as a candidate for the United States Senate there were numerous and various instances of fraud and corruption in behalf of the candidacy of the said WILLIAM S. VARE, and that there was spent in behalf of the said WILLIAM S. VARE in said primary election, by the said WILLIAM S. VARE and his friends, a sum of money exceeding \$785,000; and

Whereas the said WILLIAM S. VARE has in no manner controverted the truth of the foregoing facts, although full and complete opportunity was given him not only to present evidence but arguments in his behalf; and

Whereas the said official report of said committee and the sworn evidence taken by said committee is now and for many months has been on file in the Senate, and all of the said facts appear without substantial dispute; and

Whereas on the 10th day of January, 1927, there was filed in the Senate an official communication from the then Governor of Pennsylvania, made and delivered to the Senate in pursuance of law, the following certificate:

COMMONWEALTH OF PENNSYLVANIA,
GOVERNOR'S OFFICE,
Harrisburg, January 8, 1927.
The PRESIDENT OF THE SENATE OF THE UNITED STATES,
Washington, D. C.

SIR: I have the honor to transmit herewith the returns of the election of United States Senator, held on November 2, 1926, as the law of this Commonwealth directs.

I have the honor also to inform you that I have to-day signed and by registered mail delivered to Hon. WILLIAM S. VARE, a certificate which is as follows:

"TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

"This is to certify that on the face of the returns filed in the office of the secretary of the Commonwealth of the election held on the 2d day of November, 1926, WILLIAM S. VARE appears to have been chosen by the qualified electors of the State of Pennsylvania a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 4th day of March, 1927."

The form of words customarily used for such certificates by the governors of this Commonwealth and the form recommended by the Senate of the United States both include certification that the candidate in question has been "duly chosen by the qualified electors" of the Commonwealth.

I can not so certify, because I do not believe that Mr. VARE has been duly chosen. On the contrary, I am convinced, and have repeatedly declared, that his nomination was partly bought and partly stolen, and that frauds committed in his interest have tainted both the primary and the general election. But even if there had been no fraud in the election, a man who was not honestly nominated can not be honestly entitled to a seat.

The stealing of votes for Mr. VARE and the amount and the sources of the money spent in his behalf make it clear to me that the election returns do not in fact correctly represent the will of the sovereign voters of Pennsylvania.

Therefore I have so worded the certificate required by law that I can sign it without distorting the truth.

I have the honor to be, sir,
Very respectfully yours,

GIFFORD PINCHOT, Governor.

Now, therefore, be it

Resolved, That the expenditure of such a large sum of money to secure the nomination of the said WILLIAM S. VARE as a candidate for the United States Senate is contrary to sound public policy, harmful to the dignity and honor of the Senate, dangerous to the perpetuity of a free government, and, together with the charges of corruption and fraud made in the report of said committee and substantiated by the evidence taken by said committee, and the charges of corruption and fraud officially made by the Governor of Pennsylvania, taints with fraud and corruption the credentials of the said WILLIAM S. VARE for a seat in the United States Senate; and be it further

Resolved, That the said WILLIAM S. VARE is not entitled to take the oath of office and is not entitled to membership in the Senate of the United States.

Mr. CURTIS. I ask that the Senator elect from Pennsylvania may stand aside until the oath shall have been administered to the Senators elect against whom there are no objections.

The VICE PRESIDENT. Without objection, the resolution will lie over, and the Senator elect from Pennsylvania will stand aside.

The Chief Clerk called the names of Mr. THOMAS, Mr. TYDINGS, Mr. WAGNER, Mr. WATERMAN, Mr. WATSON, and Mr. WILLIS.

These Senators, escorted, respectively, by Mr. PINE, Mr. BRUCE, Mr. COPELAND, Mr. PHIPPS, Mr. ROBINSON of Indiana, and Mr. FESS, advanced to the Vice President's desk, and the oath of office was administered to them.

LIST OF SENATORS BY STATES

Alabama.—J. Thomas Heflin and Hugo L. Black.
Arizona.—Henry F. Ashurst and Carl Hayden.
Arkansas.—Joseph T. Robinson and T. H. Caraway.
California.—Hiram W. Johnson and Samuel M. Shortridge.
Colorado.—Lawrence C. Phipps and Charles W. Waterman.
Connecticut.—George P. McLean and Hiram Bingham.
Delaware.—Thomas F. Bayard and T. Coleman du Pont.
Florida.—Duncan U. Fletcher and Park Trammell.
Georgia.—William J. Harris and Walter F. George.
Idaho.—William E. Borah and Frank R. Gooding.
Illinois.—Charles S. Deneen and Frank L. Smith.
Indiana.—James E. Watson and Arthur R. Robinson.
Iowa.—Daniel F. Steck and Smith W. Brookhart.
Kansas.—Charles Curtis and Arthur Capper.
Kentucky.—Frederic M. Sackett and Alben W. Barkley.
Louisiana.—Joseph E. Ransdell and Edwin S. Broussard.
Maine.—Frederick Hale and Arthur R. Gould.
Maryland.—William Cabell Bruce and Millard E. Tydings.
Massachusetts.—Frederick H. Gillett and David I. Walsh.
Michigan.—Woodbridge N. Ferris and James Couzens.
Minnesota.—Henrik Shipstead and Thomas D. Schall.
Mississippi.—Pat Harrison and Hubert D. Stephens.
Missouri.—James A. Reed and Harry B. Hawes.
Montana.—Thomas J. Walsh and Burton K. Wheeler.
Nebraska.—George W. Norris and Robert B. Howell.
Nevada.—Key Pittman and Tasker L. Oddie.
New Hampshire.—George H. Moses and Henry W. Keyes.

* Oath not administered.

New Jersey.—Walter E. Edge and Edward I. Edwards.
New Mexico.—Andrieus A. Jones and Sam G. Bratton.
New York.—Royal S. Copeland and Robert F. Wagner.
North Carolina.—F. M. Simmons and Lee S. Overman.
North Dakota.—Lynn J. Frazier and Gerald P. Nye.
Ohio.—Frank B. Willis and S. D. Fess.
Oklahoma.—W. B. Pine and Elmer Thomas.
Oregon.—Charles L. McNary and Frederick Steiwer.
Pennsylvania.—David I. Reed and William S. Vare.¹
Rhode Island.—Peter G. Gerry and Jesse H. Metcalf.
South Carolina.—Ellison D. Smith and Cole L. Blease.
South Dakota.—Peter Norbeck and Wm. H. McMaster.
Tennessee.—Kenneth McKellar and L. D. Tyson.
Texas.—Morris Sheppard and Earle B. Mayfield.
Utah.—Reed Smoot and William H. King.
Vermont.—Frank L. Greene and Porter H. Dale.
Virginia.—Claude A. Swanson and Carter Glass.
Washington.—Wesley L. Jones and C. C. Dill.
West Virginia.—M. M. Neely and Guy D. Goff.
Wisconsin.—Robert M. La Follette, jr., and John J. Blaine.
Wyoming.—Francis E. Warren and John B. Kendrick.

ORDER OF BUSINESS

Mr. CURTIS. Mr. President, I submit a proposed unanimous-consent agreement, and ask for its immediate consideration.

The VICE PRESIDENT. The proposed unanimous-consent agreement will be read.

The Chief Clerk read as follows:

It is agreed by unanimous consent that further consideration of the credentials of the Senators elect, Mr. SMITH of Illinois and Mr. VARE, of Pennsylvania, be postponed without change or prejudice of their rights until after the reading of the President's message Tuesday, December 6; that during the remainder of to-day's session the only questions to be taken up shall be a resolution notifying the House of Representatives that a quorum of the Senate is ready to proceed to business, a resolution fixing the hour of the daily meeting of the Senate, a resolution appointing a committee of two Senators to join a similar committee of the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that Congress is ready to receive any communication he may be pleased to make, and the election of a Chaplain of the Senate.

The VICE PRESIDENT. Is there objection to the proposed unanimous-consent agreement?

Mr. ROBINSON of Arkansas. Mr. President, I think there is no objection to the order asked by the Senator from Kansas.

The VICE PRESIDENT. Without objection, the agreement is entered into.

NOTIFICATION TO THE PRESIDENT

Mr. CURTIS submitted the following resolution (S. Res. 3), which was read, considered by unanimous consent, and agreed to:

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled, and that the Congress is ready to receive any communication he may be pleased to make.

The VICE PRESIDENT appointed Mr. CURTIS and Mr. ROBINSON of Arkansas as the committee.

NOTIFICATION TO THE HOUSE

Mr. CURTIS submitted the following resolution (S. Res. 4), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

HOUR OF DAILY MEETING

Mr. CURTIS submitted the following resolution (S. Res. 5), which was read, considered by unanimous consent, and agreed to:

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian until otherwise ordered.

ELECTION OF CHAPLAIN

Mr. CURTIS submitted the following resolution (S. Res. 6), which was read, considered by unanimous consent, and agreed to:

Resolved, That Rev. Zeb Barney Thorne Phillips, D. D., of the District of Columbia, be, and he is hereby, elected Chaplain of the Senate.

¹ Oath not administered.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn, the adjournment being until 12 o'clock to-morrow.

The motion was agreed to; and (at 12 o'clock and 36 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 6, 1927, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, December 5, 1927

This day, in compliance with the provisions of the Constitution, the Members elect of the House of Representatives of the Seventieth Congress assembled in their hall and at 12 o'clock noon were called to order by William Tyler Page, Clerk of the last House.

The CLERK. The Chaplain of the last House will lead in prayer.

The Rev. James Shera Montgomery, D. D., Chaplain of the last House, offered the following prayer:

Almighty God, the Father of our Lord Jesus Christ, in whose presence there is fullness of joy and at Thy right hand there are pleasures for evermore, we humbly acknowledge Thee to be the only true God. Our praise and gratitude rise to Thee and our restraining meekness would say: "Glory be to Thee, O Lord, most high, Thy will be done." In the light of Thy love the valleys of our experience have been exalted and the deep things have been illuminated. At the very front door of this Congress may we realize the sanctity of our commission and know that the measure of our power shall be the measure of our virile, manly virtues. O Holy Spirit shine upon our weakness and press upon our deepest beings; diffuse them through and through with a consuming energy and devotion for our whole beloved land. We pause again and in this solemn stillness breathe an earnest prayer for our Speaker, the Members and officers of this Chamber. Do Thou inspire us with the might of Thy wisdom, the majesty of Thy sacrifices, and the glory of Thy shame. May we not be forced in our labors by the cold motive of duty, but by the urgency of love—love of God, love for the Republic, and an appreciation for all humanity. At the last may we hear the music break on the eternal shores. Amen.

CALL OF THE ROLL

The CLERK. Representatives elect: This is the day fixed by the Constitution of the United States for the meeting of the Seventieth Congress of the United States of America. The Clerk of the House of Representatives of the Sixty-ninth Congress will call the names of those persons whose credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States or of the United States. As the roll is called, following the alphabetical order of the States, Representatives elect will please answer to their names to determine whether a quorum is present.

The roll was called, showing the presence of the following-named Members:

[Roll No. 1]

ALABAMA

| | |
|---------------------|--------------------|
| John McDuffie. | M. C. Allgood. |
| Henry B. Steagall. | Ed. B. Almon. |
| Lamar Jeffers. | George Huddleston. |
| William B. Bowling. | W. B. Bankhead. |
| W. B. Oliver | |

ARIZONA

Lewis W. Douglas.

ARKANSAS

| | |
|------------------|------------------|
| W. J. Driver. | Heartsill Ragon. |
| W. A. Oldfield. | J. B. Reed. |
| John N. Tillman. | Tilman B. Parks. |
| Otis Wingo | |

CALIFORNIA

| | |
|-----------------------|-------------------|
| Clarence F. Lea. | Albert E. Carter. |
| Harry L. Englebright. | Henry E. Barbour. |
| C. F. Curry. | W. E. Evans. |
| Florence P. Kahn. | Joe Crail. |
| Richard J. Welch. | Phil D. Swing. |

COLORADO

| | |
|------------------------|-------------------|
| S. Harrison White. | Guy U. Hardy. |
| Charles B. Timberlake. | Edward T. Taylor. |

CONNECTICUT

| | |
|---------------------|-------------------|
| E. Hart Fenn. | Schuyler Merritt. |
| Richard P. Freeman. | James P. Glynn. |
| John Q. Tilson. | |

DELAWARE

Robert G. Houston.

FLORIDA

| | |
|-------------------|--------------|
| Herbert J. Drane. | Tom A. Yon. |
| R. A. Green. | W. J. Sears. |